UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,447	01/27/2004	Christian Bertin	127523	8583

25944 7590 04/30/2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
IDOWU, OLUGBENGA O	
ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
04/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/765,447	BERTIN ET AL.	
	Examiner	Art Unit	
	OLUGBENGA O. IDOWU	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 - 16 have been considered but are moot in view of the new ground(s) of rejection.

2. In response to applicant's arguments on page 7, paragraph 1 in regards to the server address being included in the record file; Horowitz already teaches a system that receives program information, request updates and receives updates. Schoff is brought in solely for its teaching about a sent file that contains a URL to a server.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 – 8, 13– 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz, publication number: US 2004/0078817 A1 in view of Shoff, patent number: US 6240 555B1 in further view of Boyer, patent number: US 7 269 838 B1.

As per claims 1, 14-15 and 16, Horowitz teaches a method of recording audiovisual contents, the contents being broadcast according to a schedule, the method including:

A step of selecting, from an access terminal an audiovisual content to be recorded, the content being associated with a broadcast data and time predetermined by a content broadcaster (receiving a recording request, the request being associated

with information such as program title and time, [0018], lines 9 – 13, [0042], lines 9 – 15, STB having web surfing capabilities that allow to access information over the Internet [0062], lines 9 - 12) and

A step of supplying to the access terminal a record file of the selected audiovisual content and the scheduled date and time for broadcasting it (storing received recording request, [0027], lines 7 – 11, request contains date and time, [0018], lines 11-13, [0042], lines 9 - 15),

generating a request to update the record file, the request being sent by the terminal to the update server (updating based on requests form client device, [0051])

a step of the access terminal receiving the record file (receiving program information from the program guide, [0018], lines 9 - 13)

a step of the access terminal generating a request to update the record file (update request, [0018], lines 16 - 19), and

Horowitz does not teach wherein the record file further includes the address of an update server, a step of the access terminal sending the request to the address included in the record file.

In an analogous art, Shoff teaches wherein the record file further includes the address of an update server, a step of the access terminal sending the request to the address included in the record file (data fields corresponding to a program having link to server

that has additional information on the specific program which can be accessed on request, Col. 6, lines 8 – 26, Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Horowitz' conflict management system by including a link to server with additional information as described in Shoff's supplemental content system for the advantages of reducing the burden placed on processors for finding relevant information source.

The combination of Horowitz and Schoff do not teach wherein the selection is made on a presentation server.

In an analogous art, Boyer teaches do not teach wherein the selection is made on a presentation server (internet based EPG, col. 3, lines 1 - 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Horowitz and Schoff buy including a system that allows remote access to the program guide as described in Boyer's internet based EPG system for the advantages of reducing the cost of the system and providing a central location for accessing the EPG.

As per claim 2, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, the method including a step of updating the record file in the event of modification of the date and/or time of the broadcast (Horowitz; updating record file, [0029]), or

cancellation of broadcasting a selected audiovisual content, or substitution of some other audiovisual content.

As per claim 3, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the update request includes the address of the update server and the identification information of the audiovisual content (Horowitz; update information, [0051], lines 10 –17, Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

As per claim 4, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the request is an HTTP request (Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

As per claim 5, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the terminal sends the request to update the record file periodically up to the date and time scheduled for broadcasting the selected audiovisual content (Horowitz: regular updates, [0031], lines 7 - 15).

As per claim 6, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a

schedule, wherein, during the selection step a single audiovisual content is selected, and wherein the terminal sends the request to update the record file increasingly often as the date and time for recording the selected audiovisual content approaches (regular updates, [0031], lines 7 - 15).

As per claim 7, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the record file includes a field marked by a markup and defining the address of the update server (Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

As per claim 8, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the record file includes at least one field marked by a markup and defining information identifying the corresponding audiovisual content associated with data describing said content (Horowitz; FTP, [0043], Horowitz; information associated with scheduled recording, [0033], lines 1 - 7).

As per claim 13, the combination of Horowitz, Shoff and Boyer teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the request includes the reference of a user for statistical purposes (updating based on requests, [0051], lines 5 - 7).

3. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz, publication number: US 2004/0078817 A1 in view of Shoff, patent number: US 6240 555B1 in view of Boyer, patent number: US 7 269 838 B1 in further view of Carden, Patent number: US 6 996 627 B1.

As per claim 9, the combination of Horowitz, Shoff and Boyer teach updating a record file based on changes in schedule.

The combination does not teach an identifier associated with an already recorded content.

In an analogous art, Carden teaches recording audiovisual contents broadcast according to a schedule, wherein the record file includes at least one field marked by a markup and defining, for a given audiovisual content in the same file, a content identifier associated with a content already recorded in the storage means of the access terminal (the program data structure 200 contains some of the program information items 102 as well as identifies the location of other program information items 102, col. 6, lines 19 - 22).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Horowitz, Shoff and Boyer by including a way to track previously

recorded items, as described in Carden's information updating system, for the advantages of saving storage space by not recording already recorded programs.

As per claim 10, the combination of Horowitz, Shoff and Boyer teach updating a record file based on changes in schedule.
The combination does not teach an XML schema.
In an analogous art, Carden teaches recording audiovisual contents broadcast according to a schedule, wherein the syntax of files exchanged between the access terminal and the server is defined by an unique data structure schema, in particular an XML schema (XML, col. 4, lines 9 -14).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Horowitz, Shoff and Boyer by including the use of XML, as described in Carden's information updating system, for the advantages of representing data structures, records and lists.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz, publication number: US 2004/0078817 A1 in view of Shoff, patent number: US 6240 555B1 in view of Boyer, patent number: US 7 269 838 B1 in further view of Yamato, Publication #: 2002/0127000A1.

As per claim 11, the combination of Horowitz, Shoff and Boyer teach, a method of recording audiovisual contents broadcast according to a schedule (receiving a recording request, the request being associated with information such as program title and time, [0018], lines 9 – 13, [0042], lines 9 - 15),

a step of receiving a record request file from which the access terminal generates a record-request request designed to be sent to a predetermined server for executing automatically the selection step (VOD, [0050])

The combination does not teach a preliminary step of selecting a plurality of contents having a common topic

In an analogous art, Yamato teaches the method including a preliminary step of selecting a plurality of contents having a common topic, (In addition, the device 100 searches the data of the EPG for user's favorite programs by using keywords or types which are established in advance by the user, [0169], lines 6 -10).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Horowitz, Shoff and Boyer by including the step of selecting contents with a common topic, as described in Yamoto's recording device, for the advantages of updating only files that are of interest to the user and avoiding the clogging of the network by updating every available file.

As per claim 12, the combination of Horowitz, Shoff, Boyer and Yamato teach a method according to claim 11 of recording audiovisual contents broadcast according to a schedule, wherein the record request file includes the address of said predetermined

server for generating the record-request request (Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUGBENGA O. IDOWU whose telephone number is (571)270-1450. The examiner can normally be reached on Monday to Friday, 7am - 5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendelton can be reached on 571 272 7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olugbenga O Idowu/
Examiner, Art Unit 2623

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623